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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/943,705	10/03/1997	TADASHI NAKAYAMA	JA032445	9613

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EXAMINER
MOE, AUNG SOE

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
08/943,705	Tadashi Nakayama et al
Examiner	**Art Unit**
Aung Moe	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Dec 19, 2002*

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideratio

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-30* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examine

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/19/02 have been fully considered but they are not persuasive.

Regarding claims 1-30, the Applicant alleged in the pages 2+ of the remarks that "Dwyer '457 fails to teach or suggest input means for inputting information from the electronic equipment, the information including *first information* ***relating to types of said data stored in said electronic equipment***, *and second information that* ***identifies interrelationships amongst the data***" and "*correlating means for correlating said first information into units based on said second information*."

In response, the Examiner respectfully disagrees because the combination of Dwyer '457 and Suga '191 clearly disclosed the present claimed invention. In this case, Dwyer '457 clearly discloses that the computer (11) is receiving the digitized image, audio and document data inputted from the external electronic equipment (i.e., the scanner 23, the Digital camera 25 and the Modem 24) for performing the acquisition and archiving process therein. Therefore, it is cleared that when the digitized image, audio or document data are inputted to the computer (11), these digitized information data inputted from the external electronic equipment normally contain "header information" along with the digitized image, audio or document data to allow the computer (11) for properly relating whether the types of the data stored in the external electronic equipment the digitized image data, audio data or document data. Therefore, with the use of the

digital header information of the input digitized image, audio or document data, the computer (11) is capable of automatically archiving of digitized data in the related image/audio or document files respectively. In view of this, it is cleared that the information relating to types of the data (i.e., the header information of the input image data, audio data or the document data) stored in the electronic equipment **must be provided (inputted)** along with the image/audio or document data when such digitized data are acquired from the electronic equipment (i.e., the digital camera, scanner, or modem) by the computer (11) in order to properly archiving the input digitized data for further used. For example, if the information relating to types of the data stored in the electronic equipment is not inputted, then the computer (11) will not be able to properly archive the acquired data because the image data may be mistaken as either an audio data or the document data.

Thus, when the digitized data (i.e., the image, audio or document data) are inputted from the external electronic equipment, the 'first information' (i.e., an inherent feature of the header information of the digitized image/audio or the digitized document inputted from the external electronic equipment is considered as "the first information" as broadly claimed) relating to types of the digitized data stored in the external electronic equipment (i.e., the equipment 23/25) is inherently provided to the computer (11) along with either the image, an audio or the document data so that the computer (11) will be able to automatically perform specific processing function to create the archive files based on the first information (i.e., the header information of the image files, Audio files, or the document files) relating to types of the images, audio or document files

stored in the external electronic equipment (i.e., the Scanner 23, the Digital Camer/Data back, or Modem as shown in Fig. 1).

Furthermore, Dwyer '457 discloses the use of the second information (i.e., the text data such that the time and data when a picture was taken along with the serial number of the camera 25; see col. 4, lines 60+) so that this data is used to identified interrelationships amongst the image/audio data or document data of the external electronic equipment (i.e., the camera 25).

In addition, the computer (11) is capable of correlating the first information having, e.g., the header information of the digitized image data, into units (i.e., the Album file units as shown in Figs. 2/2a) based on the second information such that the text data (i.e., the time and data when a picture was taken along with the serial number of the camera 25). Therefore, when the camera 25 is attached to the computer (11) for inputting the digitized images data, this digitized images data may include the first information (i.e., the header information of the digitized image data) so that the computer (11) is capable of determining that the type of the input data from the camera 25 is the digitized image data and not the document/audio data (i.e., noted that the header information is related to the digitized image data stored in the memory of the camera 25). Moreover, the computer (11) is capable of correlating the digitized image data having the specific header information (i.e., noted that the header information is relating the image data stored in the camera 24) inputted from the camera 25 for creating the album file for the image data based on the second information such that the time and data of the picture were taken and the serial number of the digital camera 25.

Furthermore, Suga '191 teaches that it is conventionally well-known to store the main image data, sub image data and sound data in the digital camera(i.e., see Fig. 1 of Suga '191). In particular, it is clearly obvious from the Figs. 1, 5, 18A-B, and 30 of Suga '191 that the image/sub and sound data are stored in the memory along with the first information relating to types of the data stored in the memory of the camera (i.e., noted that the image/sound data contains the management/header information to map the image/audio files therein; see col. 7, lines 40- col. 8, lines 50) and the second information for identifying the inter-relationship among the data (i.e., the ID information, the property information of the image/audio data as shown in Figs. 5, 10, 18A/B and 20). In view of this, it is obvious that when such digitized data from the digital camera is inputted to the external computer (i.e., see Fig. 24 of Suga '191), then the first information relating to the types of the data stored in the memory of the digital camera and the second information as taught by Suga '191 has to be inputted to the Host/Remote computer as disclosed by Dwyer '457.

In view of the combination of Dwyer '457 and Suga '191 as discussed above, it is noted that the present claimed invention was well-known in the art at the time of the invention was made to modify the system of Dwyer '457 as taught by Suga '191 for the reasons discussed above and further details in the Office Action below, the Examiner asserts that this Office Action has clearly established a *prima facie* case of obviousness.

The Examiner maintains the rejections as follows:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer et al. (U.S. 5,706,457) in view of Suga et al. (U.S. 6,192,191).

Regarding claim 1, Dwyer '457 discloses an information processing apparatus (Fig. 1, the elements 10/11) that is electronically connectable to electronic equipment (i.e., Figs. 1 & 3), the apparatus executing a predetermined process (Figs. 6, 8 & 11) for main image data stored in said electronic equipment (Fig. 1, the digital camera/scanner), the apparatus comprising:

input means for inputting information from the electronic equipment (Fig. 4, col. 6, lines 25+), the information including first information relating to types of said data stored in said electronic equipment (i.e., noted that when the digital image data stored in the digital camera is inputted in the computer 11, this digital data inherently includes the header information relating to the types of data, e.g., the image data, stored in the memory of the camera so that the computer 11 is capable of archiving input information in the respective image archive file for the specific camera), and second information that identifies inter-relationship among said data (i.e., the image related data, such as management data, such as TIFF/JPEG header, or the time/data and camera's serial number; see col. 2, lines 10+ and col. 6, lines 40+);

correlation means for correlating said first information into units based on said second information (Figs. 1 and 2a, the element 11; col. 4, lines 50+ and col. 5, lines 3+);

display information generation means for generating display information from the correlated first information which is correlated by said correlating means (i.e., Figs. 1 & 2a, the elements' 10 and 18a); and

output means for outputting the display information generated by said display information generation means for display (Figs. 2a) on a display device (10).

However, it noted that although Dwyer '457 discloses that the image data transferred for the digital is further stored in the information processing apparatus (i.e., the CUP 11) as a main image data and the sub-image data (i.e., the thumbnail images), Dwyer '457 does not explicitly

state that the main image data, sub image data and the sound data are stored in the electronic equipment such as the digital camera.

However, the above mentioned claimed limitations are well-known in the art as evidenced by Suga '191. In particular, Suga '191 teaches that the main image data, sub image data and the sound data are respectively stored in the same recording unit of the electronic equipment, such as a digital camera (see Fig. 1, col. 7, lines 40+) so that such data may be transferred to the information processing apparatus, such as a personal computer (Fig. 24, the element 2415), for the further process thereof.

In view of this, having the system of Dwyer '457 and then given the well-established teaching of Suga '191, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dwyer '457 by providing the electronic equipment as taught by Suga '191, since Suga '191 states at col. 2, lines 10+ that such a modification would provide the recording apparatus for effectively recording, searching and deleting captured data and various types of property data corresponding to the captured data thereof.

Regarding claim 2, the combination of Dwyer '457 and Suga '191 discloses wherein said electronic equipment is an electronic camera (Fig. 1, noted the digital used in the system of Dwyer '457 and Suga '191) that stores recording units that include at least one of the main image data, the sub image data and the sound data (Fig. 1 of Suga '191), each of the data that is in the same recording unit having the same second information (Fig. 1, 4 and 5 of Suga '191).

Regarding claim 3, the combination of Dwyer '457 and Suga '191 discloses wherein said display information is generated for each said recording unit and comprises at least one first icon whose display format is changed based on the existence of each of the main image data, the sub image data and the sound data included in said recording unit (i.e., Figs. 2/2a; col. 5, lines 3+ and col. 6, lines 5+ of Dwyer '457).

Regarding claim 4, the combination of Dwyer '457 and Suga '191 discloses wherein designating means for designating a second icon which is displayed on said display device (Figs. 2/2a, col. 5, lines 5+ and col. 6, lines 53); and

reading means for reading data from said electronic equipment (i.e., from the camera/scanner as shown in Fig. 1 of Dwyer '457 and Fig. 24 of Suga '191) corresponding to the data associated with the second icon when the second icon is designated by said designation means (Figs. 2 & 2a; col. 6, lines 45+ of Dwyer '457).

Regarding claim 5, the combination of Dwyer '457 and Suga '191 discloses wherein said second icon contains a thumbnail image of the main image data associated with the second icon (Fig. 2a, col. 6, lines 15+ and col. 8, lines 45+ of Dwyer '457), the thumbnail image being a reduction of said main image data by a predetermined ratio (see Fig. 2a of Dwyer '457 and col. 7, lines 60+ of Suga '191).

Regarding claim 6, the combination of Dwyer '457 and Suga '191 discloses designation means for designating one of the recording units and for designating one or more type of data to be deleted from the designated recording unit and deletion means (i.e., noted from the Figs. 1, 3

and 4 that the computer 11 of Dwyer '457 is capable of providing the deleting functions for deleting the designated data from the memory unit of the camera or the storage unit within the computer) for deleting the designated data from the designated recording unit (i.e., see col. 6, lines 15-50 of Dwyer '457; noted that the deleting the particular data stored in the storage unit of the camera or the CPU is commonly known function of the computer 11 of Dwyer '457 and camera 120 of Suga '191).

Regarding claim 7, the combination of Dwyer '457 and Suga '191 discloses designating means for designating **one of** the recording units and the designating one or more types of data to be read from the designated recording unit (i.e., reading the image data and the image related files stored in the digital camera, scanner or the removable memory of the electronic device as disclosed in Fig. 1 of Dwyer '457 and further taught in Fig. 24 of Suga '191); and recording means for reading the designated data from the designated recording unit into the information processing apparatus (i.e., noted from the Figs. 3-5a of Dwyer '457 that the computer 11 is capable of recording the designated data from the designated recording unit of the electronic equipment to the storage means of the CPU; also see col. 16, lines 55-68 and col. 20, lines 25-40 of Suga '191).

Regarding claim 8, it is noted that claim 8 substantially recited the same limitations as claims 1-7 as discussed above except for the use of an interface and such limitation is clearly disclosed by the combination of Dwyer '457 and Suga '191 (see Fig. 1 of Dwyer '457 and Fig.

24, the Host I/F 2414 of Suga '191), thus, claim 8 is rejected over Dwyer '457 in view of Suga '191 for the same reasons as discussed for claims 1-7 as set forth above.

Regarding claim 9, it is noted that the method claim 9 correspond to the claims 1-7, thus, claim 9 is analyzed as previously discussed with respect to claims 1-7 as set forth above.

Regarding claim 10-14, it is noted that claims 10-14 substantially corresponds to the claims 1-7 except for the use of a recording medium that stores a control program and such limitation is disclosed by Pont '170 (see Fig. 2; noted that the computer 1 contains a recording medium that stores a control program as claimed).

Regarding claims 15-30, please see the Examiner's comment with respect to claims 1-14 as set forth above. In particular, it noted that Dwyer '457 clearly discloses with the use of conventional types computer system (col. 3, lines 45+ of Dwyer '457) that the image files and the image related data files stored in either on the storage unit of the camera or the storage unit of the computer may be designated for deleting (i.e., col. 6, lines 10-50) with the use of a user interface (i.e., noted the user interface 14/13 of Dwyer '457) and further, Suga '191 teaches that it is also known to designate the particular recording unit and one or more types of data stored in the memory of the camera for deleting with the use of a user interface (Fig. 25 of Suga '191). In view of this, the present claimed invention is considered well-knwon in the art as evidenced by the combination of Dwyer '457 and Suga '191, thus, claims 15-30 are rejected over Dwyer '457 in view of Suga '191 for the same reasons as discussed for claims 1-14 as discussed above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Watanabe '293 shows the conventional digitized image with the header information relating to the type of image data stored in the memory of the camera.

b. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

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Washington, D.C. 20231

Or Faxed to:

(703) 872-9314, (for formal communications; please mark "**EXPEDITED PROCEDURE**"; and for informal or draft communications, please label "**PROPOSED**" or "**DRAFT**").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Aung S. Moe** whose telephone number is **(703) 306-3021.** The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929.**

Any inquiry of a general nature or relating to the status of this application should be directed to the customer service number **(703) 306-0377.**

A. Moe

February 27, 2003

AUNG S. MOE
PATENT EXAMINER